

REMARKS

Claims 1-28, and 30-46 are now presented for examination. Claims 1, 2, 7, 8, 20 and 31 have been amended. Claim 29 has been canceled. No new matter has been added. Claims 1, 2, 7, 8 and 31 are independent.

On page 2 of the Office Action, Claims 1-46 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,466,919 to Hovakimian, in view of an article entitled “Flowers as a Double Gift” (“Flowers”). Applicant respectfully disagrees with this rejection.

Claim 1 has been amended to provide a computer system whereby an identification number containing information relating to the identity of the supporters, the nonprofits, and the merchants, is incorporated into a transaction card. The transaction card is not associated with a traditional credit card of the type used by Hovakimian. In Hovakimian, the transaction occurs only via the use of a credit card [see Hovakimian generally, including Abstract and Claim 1]. In other words, for the system of Hovakimian to be used, the supporter must use a credit card for the transaction at the merchant’s entry terminal. This requires the usual pre-qualification screening process that one must go through in order to obtain a credit card. In other words, supporters that do not qualify for a credit card cannot implement the rebate system disclosed in Hovakimian.

By contrast, Applicant’s claimed rebate system does not require the pre-qualification process of obtaining a credit card. Claim 1 requires a “transaction card . . . not associated with a traditional credit card” to be used to supply the identification information at the POS terminal. The supporter in Applicant’s system need not be pre-approved or even use a credit card in order

to implement the claimed rebate system. The transaction card used in Applicant's system is issued solely for the use of the supporter in the claimed rebate system.

Claim 1 has been further amended to provide a clearinghouse that enrolls all three components of Applicant's system: the nonprofit organizations, the supporters and the merchants. One entity, the central clearinghouse, enrolls all three of these components. This centralized computer processing system is not disclosed or suggested in Hovakimian.

Because Hovakimian and Flowers, either alone or in combination, do not teach each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claim 1, which includes the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to this claim.

Claims 28 and 30 each depend directly from independent Claim 1 as discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 2 includes the identical amendments as discussed above and therefore is also deemed allowable. Because Hovakimian and Flowers, either alone or in combination, do not teach each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claim 2, which includes the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to this claim.

Claims 3-6 are each dependent either directly or indirectly from independent Claim 2 as discussed above. These claims recite additional limitations which, in conformity with the

features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 7 has been amended to include the limitation that the transaction card that includes the identification information is not associated with a traditional credit card. Claim 8 has been amended to include the identical limitations as described above with respect to Claim 2. Because Hovakimian and Flowers, either alone or in combination, do not have each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claims 7 and 8, which include the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to these claims. Claims 9-27 are each dependent either directly or indirectly from independent Claim 8 as discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Claim 31 has been amended to recite the embodiment whereby the transaction occurring at the entry terminal does not include the use of a transaction card. The application fully supports the scenario whereby system identification information can be entered into the entry terminal without a transaction card or credit card of any kind [Burke, Published Application, paragraph 0025]. As stated above, Hovakimian requires the use of a credit card and is initiated based on a credit card transaction. Claim 31, as amended, requires a transaction to occur, where the transaction occurs “independent of a credit card transaction”.

Because Hovakimian and Flowers, either alone or in combination, do not each of the elements of the claimed invention, they cannot constitute 35 U.S.C. § 103 prior art with respect to Claim 31, which includes the limitations discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection with respect to this claim.

Claims 32-46 are each dependent either directly or indirectly from one or another of independent Claim 31, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-28, and 30-46 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

Date: July 3, 2007

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